

RULEMAKING NOTICE FORM

Notice Number _____	Rule Number <u>Env-Dw 800</u> (currently Env-Ws 351, 352, and 354 - 359)																
1. Agency Name & Address: Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">2. RSA Authority:</td> <td style="border-bottom: 1px solid black; text-align: center;">RSA 485:41, VI</td> </tr> <tr> <td>3. Federal Authority:</td> <td style="border-bottom: 1px solid black; text-align: center;">40 CFR 141</td> </tr> <tr> <td>4. Type of Action:</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Adoption</td> <td style="border-bottom: 1px solid black; text-align: center;">_____</td> </tr> <tr> <td style="padding-left: 20px;">Amendment</td> <td style="border-bottom: 1px solid black; text-align: center;">_____</td> </tr> <tr> <td style="padding-left: 20px;">Repeal</td> <td style="border-bottom: 1px solid black; text-align: center;">_____</td> </tr> <tr> <td style="padding-left: 20px;">Readoption</td> <td style="border-bottom: 1px solid black; text-align: center;">_____</td> </tr> <tr> <td style="padding-left: 20px;">Readoption w/amendment</td> <td style="border-bottom: 1px solid black; text-align: center;">X</td> </tr> </table>	2. RSA Authority:	RSA 485:41, VI	3. Federal Authority:	40 CFR 141	4. Type of Action:		Adoption	_____	Amendment	_____	Repeal	_____	Readoption	_____	Readoption w/amendment	X
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5. Short Title: Public Notification for Public Water Systems																	

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The existing rules, Env-Ws 351, 352, and 354 - 359, implement the public notice requirements of the State's public drinking water program to be equivalent to the federal program (specifically, 40 CFR 141, promulgated by EPA under the Federal Safe Drinking Water Act (SDWA)), as required by RSA 485:1, I. State rules are required for the State to retain primacy. The current rules are interim rules that were adopted because the regular rules were set to expire on January 1, 2010; the interim rules will expire at the end of June. The rules are proposed to be readopted with amendments that are intended to (1) ensure that the rules conform to the requirements of the SDWA, (2) clarify the public notification requirements for various types of drinking water violations, (3) add requirements relative to recently-adopted Groundwater Monitoring and Treatment rules (Env-Dw 717); and (4) allow users to more easily find the information they are looking for in the rules. The rules also are being reorganized into subtitle Env-Dw (Drinking Water Programs).

6. (b) Brief description of the groups affected:

The rules will directly affect owners and operators of public water systems and will indirectly affect persons served by such systems.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented	Federal Requirements Implemented
Env-Dw 801 - Env-Dw 803	RSA 485:2, V; RSA 485:3, I	40 CFR 141.31; 40 CFR 141, Subpart Q
Env-Dw 804.01, 804.02, & 804.04	RSA 485:2, V; RSA 485:3, I;	40 CFR 141.205(d); Appendix B to 40 CFR 141, Subpart Q
Env-Dw 804.03	RSA 485:2, V; RSA 485:3, I & VII	40 CFR 141.205(d); Appendix B to 40 CFR 141, Subpart Q
Env-Dw 805 - Env-Dw 810	RSA 485:2, V; RSA 485:3, I & VII	40 CFR 141.205(d); Appendix B to 40 CFR 141, Subpart Q
Env-Dw 811.01 - 811.16, & 811.18	RSA 485:2, V; RSA 485:3, I, III(b)	40 CFR 141.141, Subparts O and Q
Env-Dw 811.17, 811.19, & 811.20	RSA 485:2, V; RSA 485:3, I, III(b) & VII	40 CFR 141.141, Subparts O and Q

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7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Holly Green	Title:	Environmentalist III
Address:	Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	Phone #:	271-3114
		Fax#:	271-0656
		E-mail:	holly.green@des.nh.gov

The rules also can be viewed in PDF at

<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on Monday, May 17, 2010**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, May 5, 2010, at 10:00 a.m.**

Place: **Room 110, DES Office, 29 Hazen Drive, Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 10:041 , dated 04/01/10

See Attached.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The requirements are the same as the federal requirements to which public water systems are subject regardless of whether New Hampshire adopts the rules. The rules thus do not create, modify, or expand any program in such a way as to require political subdivisions to make any expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.